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PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

<b>In re Application of:</b>	<b>Vrba</b>
<b>Application No.:</b>	<b>10/807733</b>
<b>Filed:</b>	<b>March 24, 2004</b>
<b>For:</b>	<b>Balloon Expandable Stent with a Self-Expanding Portion</b>
<b>Group Art Unit:</b>	<b>3731</b>

Mail Stop Amendment  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Docket No.: S63.2N-6927-US04

TRANSMITTAL LETTER

1. In regard to the above-identified application, in addition to this 2 page transmittal letter, we are submitting the attached: 12 page Information Disclosure Statement and post card.
2. With respect to fees:
  - ☒ No additional fee is required.
  - ☐ Attached is check(s) in the amount of \$
  - ☐ Charge additional fee to our Deposit Account No. 22-0350.
3. **CONDITIONAL PETITION FOR EXTENSION OF TIME**

This conditional petition is being filed along with the papers identified in Item 1 above and provides for the possibility that Applicant has inadvertently overlooked the need for a petition and fee for extension of time or for a petition and fee for any other matter petitionable to the Commissioner as required. If any extension of time for the accompanying response is required or if a petition for any other matter is required, by petitioner, Applicant requests that this be considered a petition therefor.
4. Notwithstanding paragraph 2 above, if any additional fees associated with this communication are required and have not otherwise been paid, including any fee associated with the Conditional Petition for Extension of Time, or any request in the accompanying papers for action which requires a fee as a petition to the Commissioner, please charge the additional fees to Deposit Account No. 22-0350.



Please charge any additional fees or credit overpayment associated with this communication to the Deposit Account No. 22-0350.

Respectfully submitted,

VIDAS, ARRETT & STEINKRAUS

Date:

6/29/04

By:

James M. Urzedowski  
Registration No.: 48596

6109 Blue Circle Drive, Suite 2000  
Minnetonka, MN 55343-9185  
Telephone: (952) 563-3000  
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**Certificate Under 37 CFR 1.8:** I hereby certify that this Transmittal Letter and the paper(s) as described herein, are being deposited in the U.S. Postal Service, as FIRST CLASS MAIL, addressed to Mail Stop Amendment, Commissioner for Patent, P.O. Box 1450, Alexandria, VA 22313-1450, on

6-25-04.

Julie Emerson



PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

<b>In re Application of:</b>	<b>Vrba</b>
<b>Application No.:</b>	<b>10/807733</b>
<b>Filed:</b>	<b>March 24, 2004</b>
<b>For:</b>	<b>Balloon Expandable Stent with a Self-Expanding Portion</b>
<b>Examiner:</b>	<b>Todd Messal, Esq.</b>
<b>Group Art Unit:</b>	<b>3731</b>

Mail Stop Amendment

Commissioner for Patents

P.O. Box 1450

Alexandria, VA 22313-1450

**Docket No.: S63.2N-6927-US04**

**INFORMATION DISCLOSURE STATEMENT**

Listed below or on an attached form listing the cited references and/or a copy of a PTO-892 form is information known to applicant(s). A copy of each listed publication, U.S. patent, foreign patent and U.S. patent application is being submitted herewith, along with a concise explanation of information in a foreign language, if any, pursuant to 37 C.F.R. §1.97-1.98, *except that* U.S. applications from which priority is claimed under 35 U.S.C. §120, and documents cited in such priority applications, may be omitted from the enclosures pursuant to 37 C.F.R. 1.98(d). Applicant's submission of copies of U.S. applications does not constitute a waiver of the confidentiality of such applications. As such, **Applicant requests that any copies of unpublished US applications submitted herewith be excluded from the file wrapper pursuant to 37 C.F.R. §1.14.**

Applicants respectfully request that the listed information be considered by the Examiner and be made of record in the above-identified application. If the form listing the cited references or PTO-892 from a prior application is enclosed, the Examiner is requested to initial and return it in accordance with MPEP §609.

This statement is not intended to represent that a search has been made or that the information cited in the statement is prior art, or is or is considered to be, material to patentability as defined in §1.56.

Applications that are listed on the accompanying form listing the cited references as related by priority are related by priority claim under 35 USC §120. Pursuant to 37 CFR §1.98(d), no copies of cited art in a previous application(s) to which priority was claimed need be submitted. Applicant is providing copies of the form listing the cited references and/or 892 forms from these cases.

\_\_\_\_\_ I. This statement qualifies as a no-fee Information Disclosure Statement under 37 C.F.R. §1.97(b) or otherwise because to the knowledge of the undersigned attorney it is being filed (check all that apply):

- \_\_\_\_\_ (1) within 3 months of the filing date of the application (other than a CPA); or
- \_\_\_\_\_ (2) within 3 months of entry of the national stage; or
- \_\_\_\_\_ (3) before the mailing of a first Office Action on the merits;
- \_\_\_\_\_ (4) before the mailing of a first Office Action after the filing of a request for continued examination (RCE) under §1.114;
- \_\_\_\_\_ (5) as part of a continued prosecution application (CPA); or
- \_\_\_\_\_ (6) during the period of a suspension of action for a CPA under 37 C.F.R. §1.103(b).

\_\_\_\_\_ II. This statement is believed to require a fee or the submission of a certification under 37 C.F.R. §1.97 (c) or otherwise. If this statement is being filed after the latest of: (1) three months beyond the filing date of a national application (other than CPA); (2) three months beyond the date of entry of the national stage as set forth in §1.491 in an international application; (3) the mailing of a first Office Action on the merits; (4) the mailing of a first Office Action after the filing of a request for continued examination under §1.114; or (5) after the filing of a request for a continued prosecution application, but before the mailing date of the earlier of a final office action under §1.113, a notice of allowance under §1.311 or an action that otherwise closes prosecution in the application, then:

- \_\_\_\_\_ (1) a certification as specified in §1.97(e) is provided below; or
- \_\_\_\_\_ (2) a fee of \$180.00 as set forth in §1.17(p) is authorized below, enclosed, or included with the payment of other papers filed together with this statement.

\_\_\_\_ III. 37 C.F.R. §1.97(d). If this statement is being filed after the mailing date of the earlier of a final office action under §1.113, a notice of allowance under §1.311, or an action that otherwise closes prosecution in the application, but before payment of the issue fee, then:

- \_\_\_\_ (1) a certification as specified in §1.97(e) is completed below; and  
\_\_\_\_ (2) a fee of \$180.00 as set forth in §1.17(p) is authorized below, enclosed, or included with payment of other papers filed together with this statement.

X IV. *Fee Authorization*. If any fee is due for consideration of this Information Disclosure Statement and full payment has not been submitted herewith, regardless of which boxes have been checked above, the Commissioner is hereby authorized to charge any additional fees associated with this communication to Deposit Account No. 22-0350. The Commissioner is hereby authorized to credit any overpayment associated with this communication to Deposit Account No. 22-0350.

*If paragraph II.1 or III is checked, also check one of the paragraphs below*

\_\_\_\_ I hereby certify, under 37 CFR §1.97(e)(1), that each item of information contained in this Information Disclosure Statement was first cited in a communication from a foreign patent office in a counterpart foreign application not more than three months prior to the date of the filing of this information disclosure statement.

\_\_\_\_ This communication was not received by any individual designated in § 1.56(c) more than thirty days prior to the filing of the Information Disclosure Statement.

\_\_\_\_ I hereby certify, under 37 CFR §1.97(e)(2), that no item of information contained in the information disclosure statement was cited in a communication from a foreign patent office in a counterpart foreign application, and to the knowledge of the person signing the statement after making reasonable inquiry, no item of information contained in the information disclosure statement was known to any individual designated in 1.56(c) more than three months prior to the filing of the Information Disclosure Statement.

*For the purpose of this certification, Applicant considers the PCT International Search Authority to constitute a foreign patent office.*

If this Information Disclosure Statement has been submitted without the appropriate box checked, Applicant requests that this Information Disclosure Statement be considered nevertheless if it is timely submitted under any of the provisions of 37 C.F.R. §1.97 or otherwise. Finally, if any petition is necessary to ensure consideration of this Information Disclosure Statement, Applicant requests that this be treated as such a petition.

Respectfully submitted,

VIDAS, ARRETT & STEINKRAUS

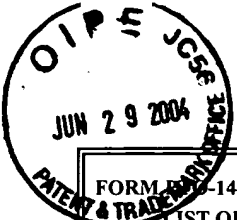
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By: \_\_\_\_\_

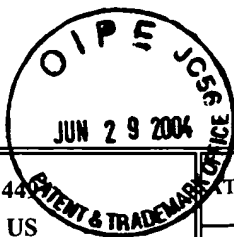
James M. Urzedowski  
Registration No.: 48596

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Minnetonka, MN 55343-9185  
Telephone: (952) 563-3000  
Facsimile: (952) 563-3001

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FORM PTO-1449 (Modified) LIST OF PATENTS AND PUBLICATIONS FOR APPLICANT'S INFORMATION DISCLOSURE STATEMENT (Use several sheets if necessary)				ATTY DOCKET NO.: S63.2-10547		APPLICATION NO.: Not yet assigned	
				APPLICANT: Vrba			
				FILING DATE: Concurrently herewith		GROUP: Not yet assigned	
REFERENCE DESIGNATION				U.S. PATENT AND PUBLISHED APPLICATION DOCUMENTS			
EXAM'S INIT.		DOCUMENT NUMBER	DATE	NAME	CLASS/ SUBCLASS	FILING DATE IF APPROPRIATE	
	AA	6,027,517	2/22/00	Crocker et al.	606/192		
	AB	6,315,708	11/13/01	Salmon et al.	600/3		
	AC						
	AD						
	AE						
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	AH						
	AI						
	AJ						
	AK						
	AL						
FOREIGN PATENT DOCUMENTS							
		DOCUMENT NUMBER	DATE	COUNTRY			
	BA						
	BB						
	BC						
	BD						
	BE						
OTHER ART (Including Author, Title, Date, Pertinent Pages, Etc.)							
	CA						
	CB						
	CC						
EXAMINER				DATE CONSIDERED			
EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609; Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.							



<b>Modified Form 1449</b> <b>UNPUBLISHED US APPLICATIONS</b> <b>NOT RELATED BY PRIORITY</b> <b>(COPIES ENCLOSED)</b>	ATTY DOCKET NO.: S63.2-10547		APPLICATION NO. Not yet assigned		
	APPLICANT: Vrba				
	FILING DATE: Concurrently herewith		GROUP: Not yet assigned		
<b>UNPUBLISHED US APPLICATIONS NOT RELATED BY PRIORITY</b>					
EXAM'S INIT		APPLICATION NO.	FILING DATE	INVENTOR(S)	
	DA				
	DB				
	DC				
	DD				
	DE				
	DF				
EXAMINER			DATE CONSIDERED		
EXAMINER: Initial if application considered, whether or not citation is in conformance with MPEP 609; Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.					

<b>Modified Form 1449</b> <b>US APPLICATIONS</b> <b>RELATED BY PRIORITY</b> <b>(COPIES NOT ENCLOSED)</b>	ATTY DOCKET NO.: S63.2-10547		APPLICATION NO. Not yet assigned			
	APPLICANT: Vrba					
	FILING DATE: Concurrently herewith		GROUP: Not yet assigned			
<b>US APPLICATIONS RELATED BY PRIORITY</b>						
EXAM'S INIT		APPLICATION NO.	FILING DATE	PATENT NO.	INVENTOR(S)	FORM 1449/892 ENC
	EA	09/710,520	11/9/00		Vrba	X
	EB	09/087,526	5/29/98	6,168,621	Vrba	X
	EC					
	ED					
	EE					
	EF					
	EG					
EXAMINER				DATE CONSIDERED		
EXAMINER: Initial if application considered, whether or not citation is in conformance with MPEP 609; Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.						

**Applicant requests that any copies of unpublished US applications submitted herewith be excluded from the file wrapper pursuant to 37 C.F.R. §1.14.**





Modified Form 1449 UNPUBLISHED US APPLICATIONS NOT RELATED BY PRIORITY (COPIES ENCLOSED)		ATTY DOCKET NO.: S63.2-9527		APPLICATION NO. 09/710,520	
		APPLICANT: Vrba			
		FILING DATE: November 9, 2000		GROUP: 3738	
UNPUBLISHED US APPLICATIONS NOT RELATED BY PRIORITY					
EXAMIN'S INIT		APPLICATION NO.	FILING DATE	INVENTOR(S)	
	DA				
	DB				
	DC				
	DD				
	DE				
	DF				
EXAMINER			DATE CONSIDERED		
EXAMINER: Initial if application considered, whether or not citation is in conformance with MPEP 609; Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.					

Modified Form 1449 US APPLICATIONS RELATED BY PRIORITY (COPIES NOT ENCLOSED)		ATTY DOCKET NO.:		APPLICATION NO.		
		APPLICANT:				
		FILING DATE:		GROUP:		
US APPLICATIONS RELATED BY PRIORITY						
EXAMIN'S INIT		APPLICATION NO.	FILING DATE	PATENT NO.	INVENTOR(S)	FORM 1449/892 ENC
	EA	09/087,526	5/29/98	6,168,621	Vrba	X
	EB					
	EC					
	ED					
	EE					
	EF					
	EG					
EXAMINER			DATE CONSIDERED			
EXAMINER: Initial if application considered, whether or not citation is in conformance with MPEP 609; Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.						

Applicant requests that any copies of unpublished US applications submitted herewith be  
excluded from the file wrapper pursuant to 37 C.F.R. §1.14.

1 of 1



FORM PTO-1449 (Modified)  
INFORMATION DISCLOSURE  
STATEMENT BY APPLICANT  
(Use several sheets if necessary)

ATTY DOCKET NO: S63.2-6927

Serial No: 09/087,526

APPLICANT: Anthony Vrba

FILING DATE: May 29, 1998

Group: 3731

REFERENCE DESIGNATION

U.S. PATENT DOCUMENTS

EXAMINER'S INIT.		PATENT NUMBER	ISSUE DATE	PATENTEE	CLASS	SUBCLASS	FILING DATE IF APPROPRIATE
	AA	5,383,892	01/04/1995	Cardon et al.			
	AB	5,607,444	03/04/1997	Lam			
	AC	5,632,762	05/27/1997	Myler			
	AD	5,749,890	05/12/1998	Shaknovich			
	AE	5,776,162	07/07/1998	Kleshinski			
	AF						
	AG						
	AH						
	AI						
	AJ						
	AK						

FOREIGN PATENT DOCUMENT OR PUBLISHED FOREIGN PATENT APPLICATION

		DOCUMENT NUMBER	PUBLICATION DATE	COUNTRY OF PATENT OFFICE	CLASS	SUBCLASS	TRANSLATION	
							YES	NO
	BA	WO 98/19628	05/14/1998	PCT			X	
	BB							
	BC							
	BD							
	BE							

OTHER ART (Including Author, Title, Date, Pertinent Pages, Etc.)

	CA	
	CB	
	CC	

EXAMINER

DATE CONSIDERED

EXAMINER: Initial citation considered. Draw line through citation if not in conformance with MPEP 609; Draw line through citation if not in conformance and not considered.  
Include copy of this form with next communication to applicant.



# Notice of References Cited

Application No. 09/087,526	Applicant(s) Anthony C. Vrba		
Examiner Suzette Jackson	Group Art Unit 3738	Page 1 of 1	

## U.S. PATENT DOCUMENTS

	DOCUMENT NO.	DATE	NAME	CLASS	SUBCLASS
A	5,607,444	3/1997	Lam	606	194
B	5,383,892	1/1995	Cardon et al.	606	198
C	5,879,370	3/1999	Fischell et al.	606	193
D	5,643,312	1/1997	Fishell et al.	606	198
E	5,723,003	3/1998	Winston et al.	623	1
F	5,226,913	7/1993	Pinchuk	623	1
G	5,868,783	2/1999	Tower	606	198
H	5,639,278	6/1997	Dereume et al.	623	1
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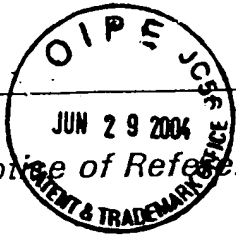
## FOREIGN PATENT DOCUMENTS

	DOCUMENT NO.	DATE	COUNTRY	NAME	CLASS	SUBCLASS
N						
O						
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Q						
R						
S						
T						

## NON-PATENT DOCUMENTS

	DOCUMENT (Including Author, Title, Source, and Pertinent Pages)	DATE
U		
V		
W		
X		

\* A copy of this reference is not being furnished with this Office action.  
(See Manual of Patent Examining Procedure, Section 707.05(a).)



# *Notice of References Cited*

Application No.  
09/087,526

Applicant(s)

Anthony C. Vrba

Examiner

Suzette Jackson

Group Art Unit

3738

Page 1 of 1

## U.S. PATENT DOCUMENTS

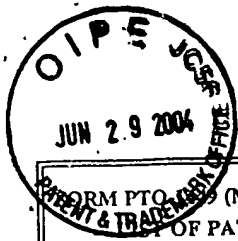
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## FOREIGN PATENT DOCUMENTS

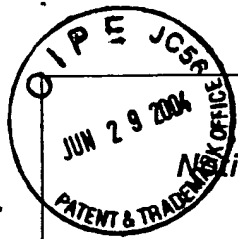
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## NON-PATENT DOCUMENTS

	DOCUMENT (Including Author, Title, Source, and Pertinent Pages)	DATE
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<b>FORM PTO-1449 (Modified)</b> <b>OFFICE OF PATENTS AND PUBLICATIONS</b> <b>FOR APPLICANT'S</b> <b>INFORMATION DISCLOSURE STATEMENT</b> (Use several sheets if necessary)				<b>ATTY DOCKET NO.:</b> S63.2-9527		<b>APPLICATION NO.:</b> 09/710,520	
				<b>APPLICANT:</b> Anthony C. Vrba			
				<b>FILING DATE:</b> November 9, 2000		<b>GROUP:</b> 3738	
<b>REFERENCE DESIGNATION</b>				<b>U.S. PATENT AND PUBLISHED APPLICATION DOCUMENTS</b>			
<b>EXAM'S INIT.</b>		<b>DOCUMENT NUMBER</b>	<b>DATE</b>	<b>NAME</b>	<b>CLASS/ SUBCLASS</b>	<b>FILING DATE IF APPROPRIATE</b>	
	AA	6059810	5/9/00	Brown et al.	606/198		
	AB						
	AC						
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	AE						
	AF						
	AG						
	AH						
	AI						
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	AL						
<b>FOREIGN PATENT DOCUMENTS</b>							
		<b>DOCUMENT NUMBER</b>	<b>DATE</b>	<b>COUNTRY</b>			
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	BB						
	BC						
	BD						
	BE						
<b>OTHER ART (Including Author, Title, Date, Pertinent Pages, Etc.)</b>							
	CA						
	CB						
	CC						
<b>EXAMINER</b>				<b>DATE CONSIDERED</b>			
EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609; Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.							



# *Notice of References Cited*

Application/Control No.

09/710,520

Applicant(s)/Patent Under  
Reexamination  
ANTHONY VRBA

Examiner

Jackson J Suzette

Art Unit

3738

Page 1 of 1

## U.S. PATENT DOCUMENTS

*		Document Number Country Code-Number-Kind Code	Date MM-YYYY	Name	Classification
	A	US-6,254,593-B1	03-2001	Wilson	606/1.11
	B	US-6,273,910-B1	08-2001	Limon	623/1.15
	C	US-6,168,621-B1	01-2001	Vrba	623/1.2
	D	US-6,096,071	08-2000	Yadav	623/1.15
	E	US-5,607,444	03-1997	Lam	606/194
	F	US-			
	G	US-			
	H	US-			
	I	US-			
	J	US-			
	K	US-			
	L	US-			
	M	US-			

## FOREIGN PATENT DOCUMENTS

*		Document Number Country Code-Number-Kind Code	Date MM-YYYY	Country	Name	Classification
	N					
	O					
	P					
	Q					
	R					
	S					
	T					

## NON-PATENT DOCUMENTS

*		Include as applicable: Author, Title Date, Publisher, Edition or Volume, Pertinent Pages)
	U	
	V	
	W	
	X	

\*A copy of this reference is not being furnished with this Office action. (See MPEP § 707.05(a).)  
Dates in MM-YYYY format are publication dates. Classifications may be US or foreign.